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Attorneys for Defendants
Dynavax Technologies Corporation,
Dino Dina, J. Tyler Martin, and Mark Kessel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In Re: DYNAVAX TECHNOLOGIES
CORPORATION SECURITIES LITIGATION

Case No. 3:13-cv-02796-CRB

**STIPULATED REQUEST AND ORDER TO
CHANGE THE TIME TO FILE MOTION TO
DISMISS AND RELATED PAPERS AND TO
INCREASE PAGE LIMITS**

This Document Relates To:

CLASS ACTION

ALL ACTIONS.

Pursuant to Civil Local Rules 6-2 and 7-7(b)(2), Lead Plaintiff Khaled Khalafallah (“Lead Plaintiff”) and Defendants Dynavax Technologies Corporation (“Dynavax”), Dino Dina (“Dina”), J. Tyler Martin (“Martin”), and Mark Kessel (“Kessel”) (collectively, “Defendants” and together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel, respectfully stipulate and agree, subject to Court approval, to change the deadlines to file Defendants’ Motion to Dismiss and Lead Plaintiff’s response thereto. In support of this stipulation, the Parties state as follows:

RECITALS

WHEREAS, on August 22, 2013, the Parties agreed to consolidate the matters, to postpone Defendants’ response until after a Consolidated Class Action Complaint (“Consolidated Complaint”) is filed, and to set a briefing schedule for the Consolidated Complaint and Defendants’ response thereto (Dkt. No. 24);

WHEREAS on September 27, 2013, this Court appointed Lead Plaintiff (Dkt. No. 39);

WHEREAS, on November 12, 2013, Lead Plaintiff filed his Consolidated Complaint (Dkt. No. 47);

WHEREAS, pursuant to the briefing schedule entered on August 22, 2013, Defendants Dynavax, Dina, and Martin’s Motion to Dismiss the Consolidated Complaint (“Motion to Dismiss”) is currently due on December 27, 2013;

WHEREAS, the Consolidated Complaint names a new defendant, Mark Kessel;

WHEREAS, counsel for Defendants have agreed to waive service on behalf of Mr. Kessel;

WHEREAS, as a result of the waiver of service under Fed. R. Civ. P. 4(d)(3), Mr. Kessel’s response to the Consolidated Complaint is not due until January 20, 2014;

WHEREAS, for purposes of judicial efficiency, the Parties agree that there should be a single date by which all Defendants respond to the Consolidated Complaint;

WHEREAS, as a result of the holidays and the naming of the new defendant, Defendants seek an extension to January 10, 2014 to file their Motion to Dismiss;

1 WHEREAS, the Parties met and conferred and Lead Plaintiff agrees to the extension;

2 WHEREAS, the Parties met and conferred and agreed to extend the date for Lead
3 Plaintiff's opposition by fourteen days to March 10, 2014, and to extend the date for Defendants'
4 reply brief by 10 days to April 9, 2014;

5 WHEREAS, adjusting the briefing schedule as requested by the Parties will not affect any
6 other dates or deadlines in this matter;

7 WHEREAS, Civil Local Rule 7-2(b) provides that memoranda of points and authorities
8 may not exceed 25 pages, but this Court's Standing Order provides that any such memoranda
9 may not exceed 15 pages;

10 WHEREAS, given the length of the Consolidated Complaint, which spans 183 paragraphs
11 over 67 pages, the scope of the putative class period, and the legal issues that must be addressed,
12 the 15-page limit would prevent the Parties from adequately setting forth their arguments in
13 support of and in opposition to the Defendants' Motion to Dismiss; and

14 WHEREAS, counsel for the Parties met and conferred to discuss page limits for the
15 briefing of the Motion to Dismiss, and agreed that the page limits for both Defendants' opening
16 brief in support of and Lead Plaintiff's opposition to the Motion to Dismiss should be increased to
17 25 pages.

18 STIPULATION

19 NOW, THEREFORE, the Parties stipulate, subject to Court approval, as follows:

20 1. The briefing schedule for the Motion to Dismiss and related papers be amended as
21 follows:

- 22 • Deadline for Defendants to file Motion to Dismiss and all related papers:
- 23 January 10, 2014;
- 24 • Deadline for Lead Plaintiff to file opposition and all related papers: March 10,
- 25 2014; and
- 26 • Deadline for Defendants to file reply and all related papers: April 9, 2014.

27 2. Defendants' opening brief in support of their Motion to Dismiss shall not exceed
28

25 pages in length;

3. Lead Plaintiff's opposition to Defendants' Motion to Dismiss shall not exceed 25 pages in length;

IT IS SO STIPULATED.

Faruqi & Faruqi LLP

DATED: November 25, 2013

By: /s/ Richard W. Gonnello

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DATED: November 25, 2013

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: November 25, 2013

COOLEY LLP

/s/ Jeffrey M. Kaban

Jeffrey M. Kaban (235743)
Counsel for Defendants
Dynavax Technologies Corporation,
Dino Dina J. Tyler Martin, and Mark Kessel

ORDER

Pursuant to the foregoing stipulation, and good cause appearing, **IT IS SO ORDERED.**

DATED: December 9, 2013

Honorable Charles R. Breyer
United States District Judge

